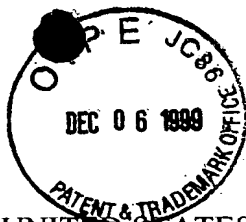


0524-2769-0 PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

BERND BRUCHMANN ET AL

: EXAMINER: SERGENT

SERIAL NO: 08/894,156

FILED: AUGUST 15, 1997

: GROUP ART UNIT: 1711

FOR: PREPARATION OF BIURET-
CONTAINING POLYISOCYANATES

REPLY BRIEF

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Appellants respectfully submit this Reply Brief in reply to the Examiner's Answer dated October 6, 1999 (Answer).

The Examiner continues to urge (Answer, page 6) that Möhring et al is the closest prior art "in view of the similarities of the instant process and the process of [Möhring et al]." However, this conclusionary statement does not address the specific arguments made in the Appeal Brief. Möhring et al is concerned with a product different from the product desired by both Appellants and Wagner et al. Furthermore, Möhring et al require a particular mono- or poly-amine having at least one aliphatically, cycloaliphatically or araliphatically bound primary amino group as part of their biuretizing agent, which would clearly be expected to have an effect on the final product therein, while neither Appellants nor Wagner et al require such an amine. On the other hand, the biuretizing agent of the present claims and the preferred biuretizing agent of Wagner et al are either the same or overlapping. See column 6, lines 28-30 and most of the Examples of Wagner et al. There is no doubt that Wagner et al is closer prior art herein than Möhring et al.

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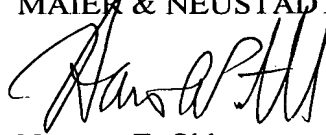
The Examiner has further analyzed Möhring et al, and concludes, particularly relying on Example 6 therein, that when a tertiary alcohol is used therein in place of their preferred primary alcohol, less or no allophanate containing biurets are produced. Even if one skilled in the art would interpret Möhring et al as suggested by the Examiner, i.e., the use of a tertiary alcohol in place of a primary alcohol reduces the relative amount of allophanate containing biuret produced, and Appellants do not admit that Möhring et al would be so interpreted, nevertheless, Möhring et al, as stated above, requires a particular amine compound. The Examiner has not established what would be suggestive to a person skilled in the art without the mandatory amine of Möhring et al. Indeed, the Examiner has never addressed the deficiencies pointed out in the Appeal Brief regarding the Examiner's position that it would have been obvious to use the biuretizing agents of Wagner et al and Hennig et al in place of the amine component of Möhring et al.

Appellants continue to submit that all the rejections still pending in the Final Office

Action be REVERSED.

Respectfully submitted,

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